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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,390	03/29/2004	John R. Aslanian JR.	2996-101	3073

6449 7590 04/30/2007  
ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
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SUITE 800  
WASHINGTON, DC 20005

EXAMINER
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ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
30 DAYS	04/30/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 30 DAYS from 04/30/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

**Office Action Summary**

Application No.

10/811,390

Applicant(s)

ASLANIAN, JOHN R.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133): Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-107 is/are pending in the application.
- 4a) Of the above claim(s) 36-107 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 36-107 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

On 29 March 2004, applicant filed the instant application with claims 1-35.

On 5 January 2007, the Examiner issued an Election/Restriction requirement.

On 5 February 2007, applicant cancelled claims 1-35 and added claims 36-107.

### *Response to Amendment*

The reply filed on 5 February 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The claims presented are directed to subject matter that is different from elected and now cancelled claim 12.

### *Response to Amendment*

Applicant argues:

The above amendments to the claims have been made to put the application in better condition for examination. Claims 1- 35 have been cancelled. New claims 36 - 107 are drawn to the subject matter of Group IV and are fit for examination.

Claims 36-52, 104 and 70-86, 106 are method claims for the electronic distribution of advertisements as set forth in Group IV. Claims 53-69, 106 and 87-103, 107 are directed to a system for performing the method of electronic distribution of advertisements as set forth in Group IV. Thus, the new claims are drawn to the elected invention.

The Examiner respectfully notes that applicant appears to support his arguments by having copied the preamble of claim 12 into the preamble of the new claims. Merely copying the text of the preamble is insufficient to preclude the requirement. See, for example, the **identical preambles** of Invention I (claims 1-6) and Invention II (claims 7-10) in the original election/restriction requirement of 5 January 2007.

The preambles of claims 1 and 7 are copied here for applicant's convenience:

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**Claim 1**

1. A system for sending cards and/or gifts to one or more celebrated entity using a computer network, comprising:

**Claim 7**

7. A system for sending cards and/or gifts to one or more celebrated entity using a computer network, comprising:

The Examiner respectfully notes that the new claims are directed to subject matter that is different from now cancelled claims 12-25, Invention IV.

Claims 36-51 (Invention VII) have separate utility from invention IV, such as

- a. generating a shell electronic greeting card including a primary message which a user wishes to convey to at least one recipient;
- b. modifying said shell electronic greeting card to generate a modified electronic greeting card which includes an advertisement integrated into said shell electronic greeting card, said advertisement including information regarding at least one consumer product, said advertisement being integrated into the electronic greeting card such that when seen the advertisement may be perceived by said at least one recipient as part of said electronic greeting card without interfering with said primary message of said electronic greeting card; and
- c. electronically transmitting via the Internet the modified electronic greeting card to said at least one recipient.

Claims 52-69, (Invention VIII) drawn to a system, contains separate utility from cancelled claim 12, such as a communications element.

Claims 70-86 (Invention IX), drawn to a method, contains separate utility from cancelled claim 12, such as

- a. generating a shell electronic greeting card including a primary message which a ser wishes to convey to at least one recipient;
- b. modifying said shell electronic greeting card to generate a modified electronic greeting card which include an advertisement integrated into said shell electronic greeting card, said advertisement including information regarding at least one consumer product, said advertisement being integrated into the electronic greeting card such that when seen the advertisement may be perceived by said at least one recipient as part of said electronic greeting card without interfering with said primary message of said electronic greeting card; and

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c. electronically transmitting an invitation, via the Internet, to view the modified electronic greeting card to said at least one recipient.

Claims 87-107 (Invention X), drawn to a system, contains separate utility from cancelled claim 12, such as a communications element.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

### ***Conclusion***

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**James Zurita**  
**Primary Examiner**  
**Art Unit 3625**  
24 April 2007

*James Zurita*  
*Primary Examiner*